

Wetlands Bureau Decision Report

Decisions Taken
03/14/2005 to 03/20/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-01956 DASHNER, BARRY
ENFIELD Unnamed Wetland

Requested Action:

After the fact approval to regrade an existing 16 foot wide, 13 foot travel surface, woods road for logging access adjacent to Enfield Prime Wetland #14 George Pond and dredge and fill 300 square feet for installation of poled fords in intermittent streams for logging activities.

Conservation Commission/Staff Comments:

The Enfield Conservation Commission is opposed to the application. Please see the findings of approval.

APPROVE PERMIT:

After the fact approval to regrade an existing 16 foot wide, 13 foot travel surface, woods road for logging access adjacent to Enfield Prime Wetland #14 George Pond and dredge and fill 300 square feet for installation of poled fords in intermittent streams for logging activities.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, as received by the Department on February 14, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The 200 foot buffer around the designated prime wetlands as illustrated on the plans by Landmark Land Services LLC dated February 2005, as received by the Department on February 18, 2005, shall be left in its natural state.
4. The deed which accompanies the sales transaction for each of the lots as illustrated in the subdivision approved by the Enfield Planning Board September 8, 2004, shall contain conditions #3 and #4 of this approval.
5. The deed for subdivision lots 6 and 7 shall include all the conditions of this permit.
6. The log landing shall not be located within the 200 foot prime wetland buffer.
7. The existing roadway shall be a limited access way with a locked gate or cable maintained to limit use.
8. The access at Bog Road shall be posted against motor vehicle traffic.
9. The existing use of the access through the prime wetland shall not be upgraded for use as a residential driveway, or subdivision road.
10. The access road through the prime wetland shall not be subject to snow plowing and sand and salt shall not be introduced to this area.
11. All work shall be done under dry conditions.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. The boundaries of the wetland buffer shall be clearly marked prior to logging activities, shall be remain marked until logging activities are complete and the area is fully stabilized.
14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The Department of Environmental Services (DES) Wetlands Bureau received a complaint from the Town of Enfield on August 20, 2004, stating the applicant had upgraded an abandoned roadway adjacent to prime wetland #14, George Pond.
3. DES Wetlands compliance staff conducted a review of the Enfield Prime Wetlands Maps and a site inspection on September 3, 2004, in response to the complaint, and concluded work had been done in jurisdiction and requested an "After-the-Fact" application, immediate stabilization of the roadway, and removal of refuse deposited in the prime wetland.
4. The DES Wetlands Bureau received an application for work already conducted on October 7, 2004, including photographs

illustrating stabilization of the roadway and removal of the refuse from the prime wetland.

5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.

6. The DES Wetlands Bureau received a letter from the Enfield Conservation Commission stating approving this permit would contradict the goal of the Enfield Prime Wetlands allowing the flora and fauna of the wetlands to be preserved.

7. The DES Wetland permitting staff conducted a site inspection on November 23, 2004, and determined the width of the existing roadway at the base of the slope is 16 feet, with a travel surface between 12 and 13, feet, and the crest of the road is approximately 2 feet above the elevation of the prime. No culverts exist within the crossing location. The roadway itself has been well stabilized and there is no visible refuse as described in the original inspection by compliance staff.

8. The access road through the prime wetland existed prior to the designation of this prime wetland in 1993 by the town of Enfield.

9. The applicant has submitted a deed dated August 25, 1966, stating the existence of the logging road and granting rights to use said road to Marion Kidder, heirs and assigns, and for use by "several owners" in this area only.

10. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

11. The roadway is now gated and shall remain gated to prevent future degradation of the prime wetland.

12. The applicant has removed refuse deposited over the years within the prime to mitigate any impacts to the prime wetland that result from this project.

12. The subdivision as approved has upland access off of George Hill Road and no further wetland impacts are anticipated for access along Bog Road.

13. The applicant has provided evidence which demonstrates that the project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

14. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

15. The approved plans and conditions of the permit provide for a 200 foot buffer around the Prime Wetland area.

16. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, and limitations offsets impact to the prime wetlands.

17. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

2004-03051 SEDLAR, VANCE
ALTON Lake Winnepesaukee

Requested Action:

Fill 620 sq ft to construct 45 linear ft of breakwater, with a 6 ft gap at the shoreline, and construct a 6 ft x 44 ft cantilevered pier with 3 fender pilings spaced 12 ft apart accessed by 4 ft wide stairs on an average of 100 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Fill 620 sq ft to construct 45 linear ft of breakwater, with a 6 ft gap at the shoreline, and construct a 6 ft x 44 ft cantilevered pier with 3 fender pilings spaced 12 ft apart accessed by 4 ft wide stairs on an average of 100 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 10, 2004, as received by the Department on December 20, 2004.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

4. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope,

shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
7. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
9. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
10. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
11. The breakwater shall have an irregular face to dissipate wave energy.
12. Fender pilings shall be spaced a minimum of 12 ft apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2 VIII, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 7, 2005 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 7, 2005 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2004-03053 BARTH, STEVE
ALTON Lake Winnepesaukee

Requested Action:

Fill 163 cu yd to construct 67 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline and a 4 ft x 24 ft cantilevered pier connected to a 4 ft x 30 ft wharf by a 4 ft x 30 ft cantilevered pier accessed by 4 ft wide stairs on an average of 286 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

Inspection Date: 03/07/2005 by Chris T Brison

APPROVE PERMIT:

Fill 163 cu yd to construct 67 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline and a 4 ft x 24 ft cantilevered pier connected to a 4 ft x 30 ft wharf by a 4 ft x 30 ft cantilevered pier accessed by 4 ft wide stairs on an average of 286 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 13, 2004, as received by the Department on December 20, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and

shall remain until the area is stabilized.

4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The breakwater shall have an irregular face to dissipate wave energy.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 286 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 7, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 7, 2005, found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2004-03061 RAY, RICHARD
ALTON Lake Winnepesaukee

Requested Action:

Fill 850 sq ft to construct 54 linear ft of breakwater, in an "dog-leg" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 24 ft cantilevered pier extending from a 4 ft x 26 ft cantilevered pier accessed by 4 ft wide stairs on an average of 110 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

Inspection Date: 03/07/2005 by Chris T Brison

APPROVE PERMIT:

Fill 850 sq ft to construct 54 linear ft of breakwater, in an "dog-leg" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 24 ft cantilevered pier extending from a 4 ft x 26 ft cantilevered pier accessed by 4 ft wide stairs on an average of 110 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 9, 2004, as received by the Department on December 20, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
7. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
9. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
10. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
11. The breakwater shall have an irregular face to dissipate wave energy.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 110 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2 VIII (a), and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 7, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 7, 2005 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2005-00005 NICKSON, SCOT
ALTON Lake Winnepesaukee

Requested Action:

Fill 650 sq ft to construct 40 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 36 ft cantilevered pier connected to a 6 ft x 34 ft piling pier by a 4 ft x 12 ft walkway in a "U" shaped configuration with 4 ft wide access steps on an average of 140 ft of frontage on Lake Winnepesaukee.

Inspection Date: 03/07/2005 by Chris T Brison

APPROVE PERMIT:

Fill 650 sq ft to construct 40 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 36 ft cantilevered pier connected to a 6 ft x 34 ft piling pier by a 4 ft x 12 ft walkway in a "U" shaped configuration with 4 ft wide access steps on an average of 140 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by the Department on January 3, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The breakwater shall have an irregular face to dissipate wave energy.
13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 140 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 7, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 7, 2005 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2005-00010 NH DEPT OF TRANSPORTATION
SUNAPEE Unnamed Wetland

Requested Action:

Place stone on the bank, place gravel along road shoulders along the top of banks, construct new drop inlets and stone outlets impacting 2,545 sq. ft. of palustrine and riverine systems (1,455 sq. ft. temporary) to correct erosion and update substandard guardrail.

Inspection Date: 11/07/2003 by Gino E Infascelli

APPROVE PERMIT:

Place stone on the bank, place gravel along road shoulders along the top of banks, construct new drop inlets and stone outlets impacting 2,545 sq. ft. of palustrine and riverine systems (1,455 sq. ft. temporary) to correct erosion and update substandard guardrail. NHDOT project #13288.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 12/23/04, as received by the Department on January 3, 2005.
2. This permit is contingent on review AND approval, by the DES Wetlands Bureau, of final stream diversion/erosion control

plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.

3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. The DES Wetlands Bureau and Watershed Bureau shall be notified of the start date prior to construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of stream or banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of these areas on 11/7/03 during the inspection of file 2003-02084. Field inspection determined there are unstable areas of roadway banks.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of these palustrine wetland ecosystems.
7. The submittal and approval of a professional Erosion Control Plan will allow the DES to provide further comment at sensitive areas including but not limited to sites N3 and S26.

MINOR IMPACT PROJECT

2001-02434 MERCO REALTY TRUST, K&S REALTY TRUST
HAMPTON Unnamed Wetland

Requested Action:

Request amendment to: increase impact in tidal buffer zone by 334 sq. ft. to reconfigure and enlarge parking area thereby increasing total impact area in tidal buffer zone to 6,196 sq. ft.

Request name change to: Fatima Realty Trust

Conservation Commission/Staff Comments:

Con. Com. comments have been incorporated into permit approval.

APPROVE AMENDMENT:

Approve amendment to: increase impact in tidal buffer zone by 334 sq. ft. to reconfigure and enlarge parking area thereby increasing total impact area in tidal buffer zone to 6,196 sq. ft. on permit to: Permanently impact 5,862 sq. ft. of previously developed upland tidal buffer zone to remove existing cottages and paved parking area and construct a new paved parking area.

Approve name change to: Fatima Realty Trust

With Conditions:

1. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES").
2. Coastal staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon completion.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on other areas within DES Wetlands Bureau jurisdiction.
4. All work shall be in accordance with plans by Millette, Sprague & Colwell, Inc. dated November 30, 2001, as received by the Department on December 17, 2001.
- 4a. All work approved as permit amendment shall be in accordance with plans by Millette, Sprague & Colwell, Inc. dated September 30, 2004, as received by the Department on October 13, 2004.
5. Appropriate siltation and erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. Applicant shall plant a 5 ft. wide area with *rosa rugosa*, or other appropriate vegetation, along the proposed paved parking area. Applicant shall consult with the Hampton Conservation Commission prior to planting.

With Findings:

1. The proposed development is within a previously developed upland tidal buffer zone area.
2. This approval is consistent with other approvals in developed upland tidal buffer zone areas.
3. Applicant has obtained abutter concurrence for work within 20 ft. to abutters property lines.

2004-00294 SWANZEY, TOWN OF
SWANZEY California Brook

Requested Action:

Dredge and fill 8,981 square feet (including 2,283 square feet of temporary impacts) in riverine wetlands and within the banks of California Brook to replace and upgrade the West Street crossing. Work within jurisdiction consists of removal of exiting twin culvert crossing and construction of a new bridge with abutments.

Conservation Commission/Staff Comments:

The Conservation Commission stated Cobble Hill road immediately down stream of West Street has experienced flooding. The Commission questions the potential for increased flows at the Cobble Hill road crossing downstream of the West Street Bridge to increase the potential for flooding.

Inspection Date: 04/29/2004 by Jeffrey D Blecharczyk

APPROVE AMENDMENT:

Dredge and fill 8,981 square feet (including 2,283 square feet of temporary impacts) in riverine wetlands and within the banks of

California Brook to replace and upgrade the West Street crossing. Work within jurisdiction consists of removal of exiting twin culvert crossing and construction of a new bridge with abutments.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc., sheet 6, dated April 2004, as received by the Department on May 21, 2004, and project plans dated April 2004, as received by the Department on June 9, 2004. All erosion, sediment stream diversions controls shall be in accordance with plans by Eckman Engineering, LLC dated February 10, 2005, as received by the Department on February 23, 2005.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. This permit is contingent on review by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters. 11. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project will impact 8,766 sq of jurisdictional wetlands to replace and upgrade an existing bridge crossing and is therefore a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 27, 2004. Field inspection determined the proposed project would directly impact 50 linear feet of stream channel not documented in the initial proposal.
6. On May 21, 2004, revised plans submitted to the Department clearly identify the stream channel and reducing the impacts in the stream channel.
7. The Conservation Commission raised a concern for the potential of additional flooding down stream at the Cobble Hill crossing as a result of the enlarged opening at the West Street crossing.
8. The design engineers have determined a dam located downstream of Cobble Hill Rd and the West Street Bridge have a substantial impact on the corresponding water surface elevations documented at both road crossings over California Brook.
9. The design engineers have determined the proposed West Street Bridge project will not exacerbate flooding at the Cobble Hill road culvert crossing during a 50-year storm event.
10. Pre-construction meeting held on February 1, 2005 at DES.
11. Final stream diversion and sediment and erosion control plans submitted to DES for review and approval on February 23, 2005.

2004-03059 COOPERAGE FOREST LLC
FREMONT Unnamed Wetland

Requested Action:

Fill approximately 3,415 square feet of palustrine scrub-shrub, forested and emergent wetlands and cross a perennial stream to provide access for a 28-Lot residential subdivision known as Cooperage Forest

Conservation Commission/Staff Comments:

The conservation commission has requested the establishment of a 50' no-cut buffer along the larger wetland complex. Additional comments about changes to a culvert and slope impacts that were addressed in revised plans submitted to DES on February 10, 2005.

No comments from the Exeter River LAC.

APPROVE PERMIT:

Fill approximately 3,415 square feet of palustrine scrub-shrub, forested and emergent wetlands and cross a perennial stream to provide access for a 28-Lot residential subdivision known as Cooperage Forest

With Conditions:

1. All work shall be in accordance with plans by Eric Mitchell & Associates, Inc. sheets 1-8 received on February 28, 2005, Sheet 9 received on March 17, 2005, and sheets 10-27 received on February 10, 2005, by the Department.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low or non flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project will impact 3,415 sq ft of jurisdictional wetlands to provide residential access and is therefore a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00258 SALTMARSH JR., SHERMAN
MEREDITH Lake Winnepesaukee

Requested Action:

Expand the width of an existing permanent 40 ft dock with a tapered width by an average of 2 ft resulting in final widths of 6 ft with a flared 15 ft end on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

NHI hit, NHI will not be sending comments

APPROVE PERMIT:

Expand the width of an existing permanent 40 ft dock with a tapered width by an average of 2 ft resulting in final widths of 6 ft with a flared 15 ft end on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors as received by the Department on February 7, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. This permit does not allow for maintenance dredging.
11. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a permanent docking structure providing fewer than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The proposed modifications do not add boat slips to the frontage.
5. The frontage has a unique hardship for the placement of a dock on other locations on the frontage.
6. The applicant has submitted a letter notarized and recorded with the registry of deeds for the docking structure on the common property line.

MINIMUM IMPACT PROJECT

1997-01439 STROHBEHN, BARBARA
ENFIELD Crystal Lake

Requested Action:

Repair and maintain an existing 52 linear ft of retaining wall and stairway and stabilize an existing previously impacted slope by installing bio-log and replanting with vegetation on 100 ft of frontage on Crystal Lake, Enfield.

APPROVE PERMIT:

Repair and maintain an existing 52 linear ft of retaining wall and stairway and stabilize an existing previously impacted slope by installing bio-log and replanting with vegetation on 100 ft of frontage on Crystal Lake, Enfield.

With Conditions:

1. All work shall be in accordance with plans by Barbara Strohbehn dated July 22, 1997, as received by the Department on August 20, 1997.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Repair shall maintain existing size, location and configuration.
8. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c), repair of existing retaining walls.

2004-01539
WOLFEBORO

TOPPING, DENNIS

Requested Action:

Dredge and fill 730 square feet of forested wetland for construction of a single family residence and temporarily impact 400 square feet for a service connection to an existing sewer.

Conservation Commission/Staff Comments:

The conservation commission is opposed to the application.

DENY PERMIT:

Dredge and fill 730 square feet of forested wetland for construction of a single family residence and temporarily impact 400 square feet for a service connection to an existing sewer.

With Findings:

Findings of Law:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On July 8, 2004, a Standard Dredge and fill application was received to fill 1000 square feet of wetland for lot development and temporarily impact 400 square feet for sewer service.
8. On July 12, 2004, DES acknowledged the receipt of the application.
9. On July 19, 2004, DES received a letter from the Wolfeboro Conservation Commission dated July 14, 2004, in which they did not recommend granting the state permit.
10. On September 13, 2005, DES Requested More Information including that the applicant request a waiver to the 30 foot setback to the existing roadway and removing the proposed porch.
11. On January 21, 2005, DES met with the applicants agent and were informed that the subdivision roadway was erroneously constructed through this lot. DES again requested the applicant get relief from the association 30 foot setback to the roadway.
12. On January 24, 2005, DES received correspondence from the Association Board of Directors, signed by the applicant who is on the board, stating that they do not have a process for granting waivers but they have retained an attorney and it may take several months.

Findings in Support of denial:

13. The applicant failed to provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
14. There is adequate upland on the existing lot for the proposed home. The project is therefore denied per Rule Wt 302.04(d)(1) as there are practical alternatives that would have a less adverse impact on the area under the department's jurisdiction.
15. The project is denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a forested wetland.
16. The project is denied per Rule Wt 302.04(d)(5) as the requirements of Wt 302.03 were not met and the applicant failed to

document factors as required in Wt 302.04(b).

17. The proposed project is not consistent with the findings of public purpose set forth by RSA 482-A:1, and therefore is denied.

2004-02072 ANTRIM, TOWN OF
ANTRIM Great Brook

Requested Action:

Impact approximately 3,130 square feet of the banks and stream bed of Great Brook (includes 2,780 square feet of temporary impacts) to replace a damaged culvert crossing on Summer Street

APPROVE PERMIT:

Impact approximately 3,130 square feet of the banks and stream bed of Great Brook (includes 2,780 square feet of temporary impacts) to replace a damaged culvert crossing on Summer Street

With Conditions:

1. All work shall be in accordance with plans and project description by Quantum Construction Consultants, LLC, as received by the Department on February 25, 2005.
2. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
3. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2004-02072 prior to construction.
4. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. Work shall be done during low or non flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Temporary impact areas shall be regraded to original contours following completion of work.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2005-00265 WOLFEBORO ELECTRICAL DEPT, TOWN OF WOLFEBORO
WOLFEBORO Unnamed Stream

Requested Action:

Dredge and fill 190 square feet to replace an existing undersized culvert with a 30-inch x 34 foot culvert.

Conservation Commission/Staff Comments:

The conservation commission has no objections to the issuance of this permit.

APPROVE PERMIT:

Dredge and fill 190 square feet to replace an existing undersized culvert with a 30-inch x 34 foot culvert.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains and Associates dated January 2005, as received by the Department on February 7, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).be properly rip rapped. (REWORD)
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00337 EIGHT SEARS DRIVE REALTY
RINDGE Unnamed Wetland

Requested Action:

Fill approximately 2,980 square feet of palustrine scrub shrub and emergent wetlands for lot development and access

Conservation Commission/Staff Comments:

No comments submitted by the conservation commission.

APPROVE PERMIT:

Fill approximately 2,980 square feet of palustrine scrub shrub and emergent wetlands for lot development and access per plans received on 02/11/2005.

With Conditions:

1. All work shall be in accordance with plans by Whitman & Bingham Associates dated February 11, 2005, as received by the Department on February 17, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during low or non flow.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2004-02700 SCANLON, EDWARD
NEWFIELDS Unnamed Wetland

COMPLETE NOTIFICATION:
Newfields Tax map 104, Lot# 1

2004-02996 MARSH, FLOYD
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:

Orford Tax Map 8, Lot# 31-42

2005-00458 VINTAGE LANDS LLC, STANLEY JACKSON
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax map 1, Lot# 79

2005-00459 COROSA, WILLIAM
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:
Hollis Tax Map 26, Lot# 5

2005-00466 MANCHESTER WATER WORKS
MANCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Manchester Tax Map 888, Lot# 18

2005-00481 MERRIMACK VILLAGE DISTRICT, ROBERT KELLY
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:
Merrimack Tax Map 3C, Lot# 76

2005-00493 SHAW, CLINTON & JOHN
LOUDON Bee Hole Brook

COMPLETE NOTIFICATION:
Loudon Tax Map 3, Lot# 2 & 3

2005-00497 NEWELL, RALPH & SUSAN
WINCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Winchester Tax Map 8, Lot# 69

EXPEDITED MINIMUM

2001-00131 WESTBROOK, ANNE
ALTON Unnamed Stream

Requested Action:

Approve name change to: Anne Westbrook, 4711 Rosewold Ave., Royal Oak MI 48073 per request received 3/14/2005.

APPROVE NAME CHANGE:

Fill approximately 120 sq. ft. and install a 48" x 20' culvert to provide driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Thomas W. Varney, P.E. dated December 2000, as received by the Department on January 24, 2001.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Proper headwalls shall be installed.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-02808 DEAN, WILLARD & ANNABELLE
AMHERST Unnamed Wetland

Requested Action:

Dredge and fill 1,514 sq. ft. of wetlands for a common driveway crossing for a three-lot subdivision on 7 acres.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

Inspection Date: 01/28/2005 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 1,514 sq. ft. of wetlands for a common driveway crossing for a three-lot subdivision on 7 acres.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering dated 6/2/04, as received by the Department on December 23, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. There shall be no negative environmental impact with respect to drainage to the abutting property located less than 20' from the property line as a result of this permit, or the permittee shall be responsible for identifying and correcting the problem to the

satisfaction of DES.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The drainage issue raised by the northerly abutter was investigated by the the Amherst Planning Board, who requested a drainage analysis which the applicant performed, and which demonstrated that there "were no major issues", per Amherst Planning Board minutes dated 11/3/2004 as received by the Department on 2/1/2005. The applicant further submitted a Water Resources Management Plan to the Planning Board which addresses the wetlands impact (1,514 square feet) and (non-DES) mitigation issues.
6. Administrative Rule Wt 304.04(a) requiring 20' setback of project work from abutting property line is waived for the southerly abutting property adjacent to the driveway with the finding that there is no negative environmental impact, in this case drainage, expected on this property as a result of the placement of the driveway in its proposed location.

2004-02908 MEYER, ELENOR & ROBERT
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to remove condition number # 5 of the permit.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Repair a previously permitted perched beach retaining wall, steps and replenish with less than 10 cubic yards of sand on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by C. Facciolo, as received by the Department on December 6, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Repair shall maintain existing size, location and configuration.
6. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in

size, location or configuration.

**2005-00040 LAKEWOOD PARK ASSOCIATION, RICK LIVERMORE, PRES.
DERRY Ditch**

Requested Action:

Replace existing 12" x 30 foot culvert, add 20 feet and conduct general maintenance along 149 linear feet of the associated stormwater drainage ditch adjacent to Big Island Pond, Derry

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Replace existing 12" x 30 foot culvert, add 20 feet and conduct general maintenance along 149 linear feet of the associated stormwater drainage ditch adjacent to Big Island Pond, Derry

With Conditions:

1. All work shall be in accordance with plans by the applicant, overview plan received January 7, 2005, and project amendment received March 2, 2005 by the Department.
2. Work shall be done during low or non flow.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. No fill shall be done for lot development.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

GOLD DREDGE

**2005-00491 SICELY, SANDRA
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:

cc Bath ConCom

2005-00492 SICELY, JOSEPH
(ALL TOWNS) Unnamed Stream

SHORELAND VARIANCE / WAIV

2005-00041 MACCINI, ROBERT
PITTSBURG Back Lake

Requested Action:

Improve the wastewater management on the property by removing a gray water system and metal drum for solids within 34 ft of the reference line, replace with a septic system, and remove a 352 sq ft nonconforming camp and replace with a 1191 sq ft primary nonconforming structure and increase the ridgeline height 8 ft from 14 ft to 22 ft.

APPROVE CSPWA WAIVER:

Improve the wastewater management on the property by removing a gray water system and metal drum for solids within 34 ft of the reference line, replace with a septic system, and remove a 352 sq ft nonconforming camp and replace with a 1191 sq ft primary nonconforming structure and increase the ridgeline height 8 ft from 14 ft to 22 ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on December 29, 2004 and February 18, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Septic system shall be installed prior to construction of the proposed primary building.
5. This waiver does not allow further primary structure encroachment towards the reference line.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Back Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPWA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of

protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to improve the wastewater treatment and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

4. Subsurface approved the septic plans in accordance with approval number CA2003054928.

2005-00057 SMYRL, ERIC
MANCHESTER Merrimack River

Requested Action:

Relocate the nonconforming primary structure 8 ft farther away from the reference line, 30 ft to 38 ft, improve the stormwater management by installing dripstone under the eaves, increase the ridgeline height from 26 ft to 27 ft and increase the footprint from 1040 sq ft to 3088 sq ft on 110 ft of frontage to the Merrimack River.

APPROVE CSPA WAIVER:

Relocate the nonconforming primary structure 8 ft farther away from the reference line, 30 ft to 38 ft, improve the stormwater management by installing dripstone under the eaves, increase the ridgeline height from 26 ft to 27 ft and increase the footprint from 1040 sq ft to 3088 sq ft on 110 ft of frontage to the Merrimack River.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 9, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
6. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to the Merrimack River and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve the primary building setback from 30 ft to 38 ft and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483 B:11.

**2005-00223 YELTON TRUST, EVERETT & MADELYN
NEW LONDON Pleasant Lake**

Requested Action:

Improve the stormwater management by implementing a vegetative restoration plan to filter runoff and improve water quality, increase the ridgeline height 5 ft 6 in from 18 ft to 23 ft 6 in at road elevation, and wall off and fill front porch foundation to close off potential additional living space to maintain pre-existing ground elevation.

Inspection Date: 01/18/2005 by Chris T Brison

APPROVE CSPA WAIVER:

Improve the stormwater management by implementing a vegetative restoration plan to filter runoff and improve water quality, increase the ridgeline height 5 ft 6 in from 18 ft to 23 ft 6 in at road elevation, and wall off and fill front porch foundation to close off potential additional living space to maintain pre-existing ground elevation.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 7, 2005 and vegetative plans received February 17, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Foundation under the deck area shall remain walled off, and back filled. The area shall not be considered part of the primary structures footprint by the Department to prevent any expansion closer to the reference line in the future.
4. This waiver does not grant any expansion that would allow additional living space encroaching closer to the reference line.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. Vegetation restoration plan shall be implemented subsequent to outside construction completion.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Pleasant lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or

traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to improve the stormwater management by implementing a vegetative plan and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

2005-00242 COTE, JOHN & SYLVIA
MANCHESTER Lake Winnepesaukee

Requested Action:

Relocate the nonconforming structure 6 in further away; 17 ft to 17 ft 6 in from the reference line. Increase the ridgeline height 11 ft 9 in from 16 ft 3 in to 28 ft, and increase the footprint 881 sq ft from 1747 sq ft to 2628 sq ft.

APPROVE CSPA WAIVER:

Relocate the nonconforming structure 6 in further away; 17 ft to 17 ft 6 in from the reference line. Increase the ridgeline height 11 ft 9 in from 16 ft 3 in to 28 ft, and increase the footprint 881 sq ft from 1747 sq ft to 2628 sq ft.

With Conditions:

1. All work shall be conducted in accordance with plans by C. Richard McCullough, Inc as received by the department on February 3, 2005 and documents by Natalie M. Duval received February 22, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. This waiver does not allow any part of the primary nonconforming structure to move closer to the reference line.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to the Merrimack River and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to relocate the nonconforming structure 6 in farther away from the reference line, improve the stormwater management by redirecting roof runoff away from protected waters and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11.

2005-00373 WHITE, JOHN
KINGSTON Powwow Pond

Requested Action:

Improve the wastewater treatment by replacing septic system with a new and improved septic system, increase the nonconforming primary building setback 5 ft farther away from the reference line from 30 ft to 35 ft, increase the existing footprint 60 ft from 900 ft to 960 ft and increase the ridgeline height 6 ft from 24 ft to 30 ft.

APPROVE CSPA WAIVER:

Improve the wastewater treatment by replacing septic system with a new and improved septic system, increase the nonconforming primary building setback 5 ft farther away from the reference line from 30 ft to 35 ft, increase the existing footprint 60 ft from 900 ft to 960 ft and increase the ridgeline height 6 ft from 24 ft to 30 ft.

With Conditions:

1. All work shall be conducted in accordance with plans submitted by Ed Stewart as received by the department on March 2, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. No portion of the nonconforming primary structure shall encroach closer than the approved 35 ft primary building setback to the reference line.
5. No porch, deck, patio, etc. extending from the nonconforming primary structure shall exceed 12 ft towards the reference line.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Powwow Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve the wastewater treatment, increase the primary building setback farther away from the reference line and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I
4. The Subsurface Bureau approved the septic system on February 13, 2005 with an approval number of CA2005069240.